Amend claim 5 to read as follows:

5. (Once Amended) The method of reducing message traffic as in claim 4 further comprising sending a list of unnecessary messages and storing the list in said table of the automatic call distributor.

REMARKS

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the discussion that follows. Claims 1-25 are pending in this application. Claims 2-10 have been objected to for certain informalities. Claims 1-25 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,335,268 to Kelly, Jr. et al. After a careful review of the claims, it has been concluded that the rejections are in error and are, therefore, traversed.

2. Claims 2-10 have been objected to for certain informalities. In response, claims 1 and 5 have been amended to clarify the antecedent linkages.

3. Claims 1-25 have been rejected as being anticipated by Kelly, Jr. et al. In particular, the Examiner asserts that

> "Kelly discloses a method of forwarding messages among peripherals of an automatic call distributor (column 3, lines 3-9) [The call messages between the switches and an ACD], such method comprising the steps of: forming a message table in a first peripheral of the automatic call distributor (column 4, lines 6-21) [The data base collects the switches data]; and forwarding a message from the first peripheral to a second peripheral of the automatic call distributor based upon a content of the message table (column 5, lines 57-60 and column 6, lines 11-16) [The data analysis produces an optimized routing plan for ACD]."

It is noted first that Kelly, Jr. et al. is drawn to routing calls, not messages (Kelly, Jr. et al.: col. 1, lines 5-10; col. 2, lines 13-26; col. 3, lines 3-9). As would be abundantly clear to

those of skill in the art, a call is a switched connection used to exchange voice information between a caller and a called party. Even assuming *arguendo* that voice information could fall within some commonly understood definition of "messages" (which it does not), voice information is exchanged between the caller and called party, not between peripherals.

For example, Newton's Telecom Dictionary (15th Ed.) defines a message as "A sequence of characters used to convey information or data . . . In data communications, messages are usually in an agreed format with a heading which establishes the address to which the message will be sent and the text which is the actual message and maybe some information to signify the end of the message". In a switched circuit connection of a telephone call, any information present on the transmission medium is passed through peripherals from end to end without examination of its content. Since voice information is passed end to end through peripherals without examination of the content, there would be no reason for a message table to route voice content. After all, since the voice information travels along a switched circuit connection, there would be no reason to route the voice content since the switched circuit accomplishes this task directly.

In addition, the claims are limited to a first peripheral with a message table and wherein the first peripheral routes the message to a second peripheral. In contrast, Kelly, Jr. et al. teaches of a database with a routing table. Since the database does not route calls, it also fails to meet this limitation.

Further, Kelly, Jr. et al. describes the message paths among peripherals as following fixed, predetermined paths. For example, the dialed number and ANI are always sent from the network 105 to the network data base 111 for routing instructions (Kelly, Jr. et al., col. 2, line 65 to col. 3, line 2). In response, the routing information is always "returned via the signaling network 109, to the originating switch 107 for call completion" (Kelly, Jr. et al., col. 3, lines 19-23).

The claimed invention is limited to method steps of (and apparatus for) "forming a message table in a first peripheral of the automatic call distributor; and forwarding a message from the first peripheral to a second peripheral of the automatic call distributor based upon a content of the message table". Since the Kelly, Jr. et al. system routes calls on switched circuit

elements, it fails to teach each and every claim element as required by MPEP §2143.03. Since Kelly, Jr. et al. fails to teach or suggest each and every claim element, the rejection is believed to be improper and should be withdrawn.

4. Allowance of claims 1-25, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, she is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By

Jon P. Christensen
Registration No. 34,137

September 3, 2002
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500

Marked-Up Claims

1. A method of [forwarding] reducing message[s] traffic among peripherals of an automatic call distributor, such method comprising the steps of:

forming a message table in a first peripheral of the automatic call distributor; and

forwarding a message from the first peripheral to a second peripheral of the automatic call distributor based upon a content of the message table.

5. The method of reducing message traffic as in claim 4 [wherein the step of] further comprising sending [the] a list of unnecessary messages [further comprises] and storing the list in said table of the automatic call distributor.